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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/463,225	02/18/2000	ROBERT SCHWARTZ	ASCOP058USNP	6055	
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ATTEN: CLERENCE A. GREEN EXAMINER	NER				
PERMAN & GREEN, LLP 425 POST ROAD			VIG, NARESH		
FAIRFIELD, CT 06430			ART UNIT	DA DED AUDADED	
			ARIONII	PAPER NUMBER	
			3629		
			DATE MAILED: 04/17/2003		

Please find below and/or attached an Office communication concerning this application or proceeding.

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		Application No.	Applicant(s)	
•		09/463,225	SCHWARTZ ET AI	L.
	Office Action Summary	Examiner	Art Unit	
		Naresh Vig	3629	
	MAILING DATE of this communication ap	pears on the cover sheet	with the correspondence add	dress
Period for Re	•			
THE MAIL  - Extensions after SIX (6)  - If the period  - If NO period  - Failure to re  - Any reply re	ENED STATUTORY PERIOD FOR REPLING DATE OF THIS COMMUNICATION.  of time may be available under the provisions of 37 CFR 1.1  MONTHS from the mailing date of this communication. for reply specified above is less than thirty (30) days, a replication for reply is specified above, the maximum statutory period ply within the set or extended period for reply will, by statute ceived by the Office later than three months after the mailing in term adjustment. See 37 CFR 1.704(b).	136(a). In no event, however, may ly within the statutory minimum of will expire SIX (6) No, cause the application to become	y a reply be timely filed thirty (30) days will be considered timely MONTHS from the mailing date of this co e ABANDONED (35 U.S.C. § 133).	mmunication.
	sponsive to communication(s) filed on 27	March 2003		
<i>i</i>	·	nis action is non-final.		
·	ce this application is in condition for allow		natters, prosecution as to the	e merits is
	sed in accordance with the practice under			
4)⊠ Clair	m(s) 1-20 is/are pending in the application	າ.		
4a) (	of the above claim(s) is/are withdra	wn from consideration.	•	
5)∐ Clair	m(s) is/are allowed.			
6)⊠ Clair	m(s) <u>1-20</u> is/are rejected.			
7)∐ Claiı	m(s) is/are objected to.			
8)∐ Claiı	m(s) are subject to restriction and/o	or election requirement.		
Application P	apers			
9) <u></u> The s	specification is objected to by the Examine	er.		
10) <u></u> The o	drawing(s) filed on is/are: a)☐ acce	pted or b) ☐ objected to b	y the Examiner.	
	olicant may not request that any objection to th			
11) <u></u> The p	proposed drawing correction filed on	_ is: a)□ approved b)□	disapproved by the Examine	<b>∋</b> r.
_	pproved, corrected drawings are required in re	•		
12)∐ The c	oath or declaration is objected to by the Ex	caminer.		
Priority under	<sup>•</sup> 35 U.S.C. §§ 119 and 120			
•	nowledgment is made of a claim for foreig	n priority under 35 U.S.	C. § 119(a)-(d) or (f).	
a)∐ All	b)☐ Some * c)☐ None of:			
1.	Certified copies of the priority document	ts have been received.		
2.	Certified copies of the priority document	ts have been received in	n Application No	
	Copies of the certified copies of the prio application from the International Bu	ireau (PCT Rule 17.2(a)	)).	Stage
	ne attached detailed Office action for a list	·		annlination)
<u> </u>	wledgment is made of a claim for domest	•		application).
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Attachment(s)				
2) Notice of D	eferences Cited (PTO-892) raftsperson's Patent Drawing Review (PTO-948) Disclosure Statement(s) (PTO-1449) Paper No(s) _	5) Notice	ew Summary (PTO-413) Paper No( of Informal Patent Application (PTC	

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#### **DETAILED ACTION**

This is in response to the reply received by the office on 27 March 2003 to the office action mailed on 27 December 2002. There are 20 claims 1 – 20 pending for examination.

## **Priority**

An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence of the specification of in an application data sheet (37 CFR 1.78(a)(2) and (a)(5)). The specific reference to any prior nonprovisional application must include the relationship (i.e., continuation, divisional, or continuation-in-part) between the applications except when the reference is to a prior application of a CPA assigned the same application number.

#### Response to Arguments

Applicant's arguments with respect to claims 1 – 30 have been considered but are moot in view of the new ground(s) of rejection.

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### Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 – 5, 10, 11, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore US Patent 5,917,925 in view of Kohorn US Patent 5,128,752.

Regarding claims 1 – 4, Moore disclose a system and method for marking mailpieces for postal fee and tracking purposes. A central control computer under the control of a postal service enables the system. Host computers under the control of customers and the postal service are used to control and audit the printing of indicia marks on mailpieces [vending postage]. Each host computer controls one or more indicia printers. Accounting/security systems are also provided within the system. The indicia printer marks the mail pieces with an encoded mark indicating first that the proper postal fee has been paid in order to "mail" the mail piece. Mailpieces can be scanned with remote field readers at any step in the mail distribution process, thereby providing information to the postal service and to the customers. Real time analysis of the scanned indicia marks is used to reduce problems associated with counterfeiting of mailpiece indicia and mailpiece diversion. Information security is provided so that proprietary information of the postal service and the users of the system is maintained

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at all times. Moore system and method relates to an authenticating, anti-counterfeiting, and tracking system. Moore system marks the postage which is a substitute for a postage stamp or a prior art postage meter imprint as evidence of the fact that postage has been paid on mailpieces. The system is directed toward marking, tracking, and postal fee collection of mailpieces, and can be used to authenticate and track a wide variety of goods and articles of manufacture. The Moore system includes a control computer, one or more host computers (with one host computer generally being under the control of one customer) which cooperate with the control computer, a marking system, and a field reader system, which are all compatible and can be physically linked via data transmission links. Each host computer is isolated from the control computer by a postal security device. The control computer creates each indicium using data provided by the postal security device and the customer, supports communication with the vendor's infrastructure, provides customer interface, employs current postage rates, supports the use of standard mailing addresses, and maintains records regarding host system use. Each host computer stores the specific, selected information conveyed by the indicia mark which is 'customer specific', and directs the indicia printer to imprint the mark on the mail piece, and also receives and processes information from the reading system. Alternately, the indicia printer can imprint the mark on an item which is subsequently attached permanently to the mailpiece, such as a gummed paper indicia mark akin to current postage stamps. Each host computer is connected via modem and through a postal security device to coordinate, receive, and respond to commands sent

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and received from the control computer, one or more inidicia printer terminals, and one or more reading terminal.

In operation, the control computer contacts a host computer through a postal security device enigma card and enables a specific amount of postage fee, preferably equal to a prepaid amount. The host computer establishes an appropriate identifying message using clear text, such as the amount of "postage" to be imprinted as an indicium on a mailpiece based upon current postal rates, the weight of the piece, the destination of the piece, and the like. The host interfaces with an encryption unit which converts the clear text message into a two dimensional matrix symbol inidica. The host then downloads the digital symbol to the CPU controlling the indicia printer. The host preferably establishes marker start/stop serialized codes and specific times the indicia printer or printers can be in operation in order to discourage unauthorized usage. (see abstract; col.1, lines 14 – 19; col. 3, line 58 – col. 4, line 8; col. 5, lines 12 – 63; col. 13, line 11 – col. 14, line 4).

Moore discloses host computer communicating with Encryption Unit (FIG. 1b).

The control computer provides an allotment of postage to the host computer. This communication is carried out via corresponding postal security device enigma cards which are located in the respective host computers. Once each host computer has received an allotment of postage, it is able to enable indicia printer or printers to imprint indicia on the articles or mailpieces as specified. Each host computer interfaces with the encryption unit (central control device) to generate a data matrix symbology which includes specified information that the customer selects represented by indicia (col. 6,

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lines 39 - 61). Each host computer controls one or more indicia printers (col. 10, lines 30 - 22). In this setup, host computer becomes a central computer with the PSD and plurality of printers are managed by the host computer.

Also, Moore discloses to have accounting means. Moore states that at the conclusion of the marking cycle, the printer CPU uploads a print count to the host. Two pricing accounting/security systems are also provided within the system. First, the control computer enables the host by providing an allotment of marks or fees, and tracks the number of marks allotted to the host computer. Second, the host computer allots a prescribed number of marks to the marker and thereby enables the marker to affix marks on the goods or materials. In addition, the host tracks the activity of the markers and counts the marks made at the marking locations (col. 13, line 63 – col. 14, line 4). The indicia can be imprinted directly on the mailpiece or, alternately, can be imprinted on a fixture which is affixed to the mailpiece. Gummed paper labels are examples of such affixed fixtures (col. 5, line 65 – col. 6, line 5).

Moore does not disclose dispensing using a television infrastructure. Kohorn discloses system and method where Tokens and coupons are generated in a television viewer's home by the viewer entering selected product information and authentication data transmitted to and displayed on the television into a home generating unit [abstract]. Although Kohorn does not specifically disclose postal indicia, Kohorn discloses generating and promoting redemption of tokens having value (postal stamps have value). Kohorn discloses generating and redeeming tokens having value comprises the steps of transmitting electronic program signals having information

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regarding at least one product available for purchase from a central location to remote locations [col. 2, lines 1-6]. Kohorn invention includes providing generating units 14 at the remote locations 11 of the members 13 of the broadcast audience. Each generating unit 14 is intended to be self contained and individually operated by a viewer 13 to generate and dispense tokens or coupons 2 (See FIG. 3) to the viewer 13 in the convenience of the viewer's home [col. 4, lines 38-45]. Therefore, it is known at the time of invention to a person with ordinary skill in the art that articles of value could be dispensed using the television infrastructure to sell products to as many customers as possible.

Moore does not disclose customer requesting a postal indicium. However, Moore discloses that controlled and specified amount of postage can be printed as indicia marks with final "mailing" address (specified by the customer) at a given mail room.

Also, Host computers under the control of customers and the postal service are used to control and audit the printing of indicia marks on mailpieces. Kohorn discloses generating coupons requested by a member of the television audience [col. 6, lines 66 – 68]. Therefore, it is known at the time of invention to a person with ordinary skill in the art to allow customers request the postal indicium to have the correct amount of postage applied to the mail to avoid return of mail due to insufficient postage (for example, the mail can be international for which the postage rate is different).

Neither Moore nor Kohorn disclose using a fax machine to print the product.

However, it is known at the time of invention to a person with ordinary skill in the art that multifunction printers are in use which the user can use as a printer, sending and

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receiving faxes, copier, scanner etc. Therefore, it is known at the time of invention to a person with ordinary skill in the art to use a readily available printing device to use it as a printer to print the product.

Regarding claim 5, Moore discloses host system (controlling computer) is remotely located from customer station (host computer). (see FIG 1a and 1b).

Regarding claim 10, Moore discloses that each host computer controls one or more indicia printers (one host computer is shared with plurality of printers). (col. 10, lines 30 - 22).

Regarding claim 11, Moore discloses that marks for products include final point of sale, and associated financial documents can include account number, sequential identifying numbers, and the like. All such information i.e., input data, encoded entries, and the marks, are stored in mass storage devices for later use in goods verification/authentication, tracking, and/or counterfeit detection.

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Regarding claim 15, Moore discloses that connection can also be accomplished by making the system an integral part of local and wide area networks (LANs and WANs), or even the Internet (col. 11, lines 39 – 41).

Regarding 17, Moore does not disclose interface to television. Gerszberg discloses that a subscriber unit is provided as a set top device which is attached to a television. The set top device is also connected to a phone line and can also be connected to a cable TV, a direct TV satellite, etc. Therefore, it is known at the time on invention to a person with ordinary skill in the art that set-top boxes can be connected to the television to use a commonly available household item as a display device to display the information. The indicia printer can imprint the mark on an item which is subsequently attached permanently to the mailpiece, such as a gummed paper indicia mark akin to current postage stamps.

Claims 6 – 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore US Patent 5,917,925 in view of Kohorn US Patent 5,128,752 and further in view of Bush US Patent 5,475,585.

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Regarding claim 6, neither Moore nor Kohorn disclose to display menu. Bush discloses a transactional processing system is used in conjunction with a transmitting source. Bush invention The present comprises a transmitting source, a receiver and a transaction processor. The Source broadcasts one or many menus over a transmission channel, e.g., a T.V. cable channel. The consumer would have a wide variety of options to choose from the menu, depending on the available services provided by the source. The menu received by the customer could list many different products or services available to pay for, for example; (1) paying for cable bill; (2) paying utility bills; (3) paying bills for merchandise purchased; (4) purchasing entertainment, concert or sporting event tickets; (6) purchasing from any mail order catalog; (7) donating to fund raising events (col. 1, lines 56 – 67). Therefore, it is known at the time of invention to a person with ordinary skill in the art to provide menu of selection to the user to guide the user to make selections, provide information, make the system user-friendly etc.

Regarding claim 7, Moore does not disclose to have customer address.

Geszberg discloses that if the subscriber wishes to purchase a product, the communication server then determines whether the subscriber is in a financial database which can contain credit information or bank account information for direct debit processing of the purchase and shipping address. It is known at the time of invention to a person with ordinary skill in the art the US addresses include zip code. Therefore, it is

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known at the time of invention to a person with ordinary skill in the art to have customer address to determine where to mail the product, mail bills etc.

Claims 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moore US Patent 5,917,925 in view of Kohorn US Patent 5,128,752 and further in view of Kara US Patent 5,801,944.

Regarding claim 8, neither Moore nor Kohorn disclose to print human readable information on the indicia. Kara discloses to print human readable information on the indicia [Fig. 16A]. Therefore, it is known at the time of invention to a person with ordinary skill in the art to print human readable information to communicate messages.

Claim 9 is rejected under 35 USC 103(a) as being unpatentable over Moore US Patent 5,917,925 in view of in view of Kohorn US Patent 5,128,752 and in further view of Reisinger et al. US Patent 6,064,991 hereinafter known as Reisinger.

Regarding claim 9, neither Moore nor Kohorn disclose weigh scale coupled to the postage indicia generating device. Kara1 discloses scale attached to the remote device

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[Fig. 1b]. Therefore, it is known at the time of invention to a person with ordinary skill in the art to attach weighing scale to the postage indicia generating device to minimize postage fraud by providing the weight input directly into the device for calculating the postage.

Claim 12 – 14 and 16 are rejected under 35 USC 103(a) as being unpatentable over Moore US Patent 5,917,925 in view of in view of Kohorn US Patent 5,128,752 and further in view of Merjanian US Patent 5,920,642.

Regarding claim 12, neither Moore nor Kohorn disclose fingerprint reader.

Mejanian (claiming priority on earlier date, see Related US Application Data) disclose a method for commerce through a set-top box in which fingerprint data is employed. The system includes in one housing both a fingerprint acquisition device and an account identification device. Signals representative of the fingerprint and the identified account are conveyed together from the housing to a remote location. The notarization system further includes a receiver which receives an authentication signal that confirms that the operator is authorized to charge a transaction against an account. Also disclosed is a combination set top box and a remote control, wherein the remote control includes a fingerprint reader. The remote control conveys in wireless manner a signal representative of the fingerprint to the set top box. The set top box stores a plurality of

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service level settings and preference settings. The set top box compares received fingerprint signals to stored fingerprint data for a match. The set top box further includes means responsive to any matches to adjust the current setting of the service level or preference setting to a pre-selected service level or preference setting, respectively. The set top box maintains the current setting until a further fingerprint signal is obtained. Therefore, it is known at the time of invention to a person with ordinary skill in the art to use fingerprint reader for authentication to further protect the device from unauthorized use due to the stolen identification password / code.

Claim 13, 14 and 16 are rejected under 35 USC 103(a) as being unpatentable over Moore US Patent 5,917,925 in view of Kohorn US Patent 5,128,752 and further in view of Schwartz et al. US Patent 5,841,076 hereinafter known as Schwartz and Price Watch Corporation hereinafter known as PriceWatch.

Regarding claims 13, 14 and 16, neither Moore nor Kohorn disclose the system to provide service from plurality of delivery service providers. However, Schwartz discloses a postage scale system in which soft-selection keys are used for selecting options including shipping service options provided by the system. The display on such a system is adjustable for comfortable viewing thereof. The system is capable of interfacing and communicating with other devices such as a printer, a remote computer, an optical scanner, an integrated circuit (IC) card, etc. Certain data and code for use in

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the system can be updated by downloading new data and code from IC cards to the system (abstract). Schwartz discloses that its system allows selection for services from plurality of service providers like RPS, Federal Express, USPS, UPS etc. (FIG. 13). Schwartz discloses that the rate schedule data is stored in the rate module of the flash EEPROM. Whenever there is a change in the postage rates, shipping charges, or other cost factors, the data in that particular module will be overwritten with new data. Therefore, it is known at the time of invention to a person with ordinary skill in the art that a postage dispensing can be adapted to order service from plurality of delivery service providers to meet customers postage requirements. For Example, UPS has a weight limit for the individual package, the customer may have to ship that package using services from RPS or Emery Worldwide etc.

Neither Moore, Kohorn nor Schwartz disclose communicatively linked to plurality of service providers. However, PriceWatch discloses to be communicatively linked to plurality of providers [page 2]. Therefore, it is known at the time of invention to a person with ordinary skill in the art to communicatively connected with the service providers to provide up to date information and prices for their customers.

Regarding claim 16, neither Moore nor Kohorn disclose to be single point of contact between customer and service providers. PriceWatch discloses to be single point of contact between purchasers and product vendors for product prices. Therefore, it is known at the time of invention to a person with ordinary skill in the art to be single

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point of contact to become a total service provider by providing one stop service to their customers.

Claim 18 – 20 are rejected under 35 USC 103(a) as being unpatentable over Moore US Patent 5,917,925 in view of Kohorn US Patent 5,128,752 in further view of Schwartz et al. US Patent 5,841,076 hereinafter known as Schwartz, Brookner et al. US Patent 6,009,417 hereinafter known as Brookner and Price Watch Corporation hereinafter known as PriceWatch.

Regarding claim 18 - 20, Moore disclose a system and method for marking mailpieces for postal fee and tracking purposes.

Moore discloses Host computer communicating with Encryption Unit (FIG. 1b). The control computer provides an allotment of postage to the host computer. This communication is carried out via corresponding postal security device enigma cards which are located in the respective host computers. Once each host computer has received an allotment of postage, it is able to enable indicia printer or printers to imprint indicia on the articles or mailpieces as specified. Each host computer interfaces with the encryption unit (central control device) to generate a data matrix symbology which includes specified information that the customer selects represented by indicia (col. 6, lines 39 – 61). Each host computer controls one or more indicia printers (col. 10, lines 30 – 22). In this setup, host computer becomes a central computer with the PSD and

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plurality of printers (multiple locations) are managed by the host computer. Gummed paper labels are examples of such affixed fixtures (col. 5, line 65 – col. 6, line 5).

Moore discloses Host computer communicating with Encryption Unit (FIG. 1b). The control computer provides an allotment of postage to the host computer. Moore does not disclose interfacing with television system. Kohorn discloses providing generating units 14 at the remote locations 11 of the members 13 of the broadcast audience. Each generating unit 14 is intended to be self contained and individually operated by a viewer 13 to generate and dispense tokens or coupons 2 (See FIG. 3) to the viewer 13 in the convenience of the viewer's home [col. 4, lines 38 – 45]. Therefore, it is known at the time of invention to a person with ordinary skill in the art that articles of value could be dispensed using the television infrastructure to sell products to as many customers as possible.

Moore discloses to have accounting means. Moore states that at the conclusion of the marking cycle, the printer CPU uploads a print count to the host. Two pricing accounting/security systems are also provided within the system. First, the control computer enables the host by providing an allotment of marks or fees, and tracks the number of marks allotted to the host computer. Second, the host computer allots a prescribed number of marks to the marker and thereby enables the marker to affix marks on the goods or materials. In addition, the host tracks the activity of the markers and counts the marks made at the marking locations (plurality of printer locations, col. 13, line 63 – col. 14, line 4). The indicia can be imprinted directly on the mailpiece or, alternately, can be imprinted on a fixture which is affixed to the mailpiece. Gummed

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paper labels are examples of such affixed fixtures (col. 5, line 65 – col. 6, line 5). In addition, Brookner discloses system and method which uses 1 Postal Security Device and is connected to plurality of computers and printers (FIG. 9B).

Moore does not disclose customer requesting a postal indicium. However, Moore discloses that controlled and specified amount of postage can be printed as indicia marks with final "mailing" address (specified by the customer) at a given mail room.

Also, Host computers under the control of customers and the postal service are used to control and audit the printing of indicia marks on mailpieces. Kohorn discloses generating coupons requested by a member of the television audience [col. 6, lines 66 – 68]. Therefore, it is known at the time of invention to a person with ordinary skill in the art to allow customers request the postal indicium to have the correct amount of postage applied to the mail to avoid return of mail due to insufficient postage (for example, the mail can be international for which the postage rate is different).

Neither Moore nor Kohorn disclose to display menu. Bush discloses a transactional processing system is used in conjunction with a transmitting source. Bush invention The present comprises a transmitting source, a receiver and a transaction processor. The Source broadcasts one or many menus over a transmission channel, e.g., a T.V. cable channel. The consumer would have a wide variety of options to choose from the menu, depending on the available services provided by the source. The menu received by the customer could list many different products or services available to pay for, for example; (1) paying for cable bill; (2) paying utility bills; (3) paying bills for merchandise purchased; (4) purchasing entertainment, concert or

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sporting event tickets; (6) purchasing from any mail order catalog; (7) donating to fund raising events (col. 1, lines 56 - 67). Therefore, it is known at the time of invention to a person with ordinary skill in the art to provide menu of selection to the user to guide the user to make selections, provide information, make the system user-friendly etc.

Neither Moore nor Kohorn disclose the system to provide service from plurality of delivery service providers. However, Schwartz discloses a postage scale system in which soft-selection keys are used for selecting options including shipping service options provided by the system. The display on such a system is adjustable for comfortable viewing thereof. The system is capable of interfacing and communicating with other devices such as a printer, a remote computer, an optical scanner, an integrated circuit (IC) card, etc. Certain data and code for use in the system can be updated by downloading new data and code from IC cards to the system (abstract). Schwartz discloses that its system allows selection for services from plurality of service providers like RPS, Federal Express, USPS, UPS etc. (FIG. 13). Schwartz discloses that the rate schedule data is stored in the rate module of the flash EEPROM. Whenever there is a change in the postage rates, shipping charges, or other cost factors, the data in that particular module will be overwritten with new data. Therefore, it is known at the time of invention to a person with ordinary skill in the art that a postage dispensing can be adapted to order service from plurality of delivery service providers to meet customers postage requirements. For Example, UPS has a weight limit for the individual package, the customer may have to ship that package using services from RPS or Emery Worldwide etc.

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Neither Moore, Kohorn nor Schwartz disclose communicatively linked to plurality of service providers. However, PriceWatch discloses to be communicatively linked to plurality of providers [page 2]. Therefore, it is known at the time of invention to a person with ordinary skill in the art to communicatively connected with the service providers to provide up to date information and prices for their customers.

#### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is 703.305.3372. The examiner can normally be reached on M-F 7:30 - 5:00 (Alt Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703.308.2702. The fax phone numbers for the organization where this application or proceeding is assigned are 703.305.7687 for regular communications and 703.305.7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.305.3900.

JOHN G. WEISS

SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 3600

Naresh Vig April 15, 2003